

REMARKS

Claims 1-78 are pending. By this Response, Claims 46-77 (Groups II and III) have been withdrawn. Accordingly, Claims 1-45 and 78 (Group I) are in the case.

In the Official Action, the Examiner has stated the belief the invention includes three (3) distinct inventions, those being Claims 1-45 and 78 (Device) (Group I), Claims 46-61 (first kit) (Group II), and Claims 62-77 (second kit) (Group III). The Examiner asked Applicants to elect an invention.

In response, Applicants traverse the restriction requirement and request reconsideration, the requirement be withdrawn and all claims examined in the present application. Pursuant to M.P.E.P. § 803, a restriction requirement is proper only if (1) the two or more claimed inventions are able to support separate patents; (2) the inventions are independent or distinct as claimed; and (3) there would be a serious burden on the Examiner if the restriction is not required. Here, Applicants acknowledge the Examiner's finding that the inventions maybe patentably distinct from each other. However, Applicants respectfully submit that a search and examination of a single claim set would likely cover all aspects of the application. This would not seem to impose a serious burden on the Examiner.


CONCLUSION

To the extent the Examiner does not agree with Applicants on the above points, Applicants elect to prosecute the claims of Group I, associated with Claims 1-45 and 78. Applicants request the remaining claims, Claims 46-77, be withdrawn without prejudice.

Respectfully submitted,

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